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PATENT OFFICE

Approved for use through 7/31/2003. OMB 0651-0031

PTO/SB/31 (06-03)

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number  
33211.0009

I hereby certify that this correspondence is being  
deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope  
addressed to the: Commissioner for Patents, P.O. Box  
1450, Alexandria, Virginia 22313-1450

on May 27, 2004

Signature

Martin G. Linihan

Typed or

Printed Name Martin G. Linihan

In re Application of Caijun Shi et al.

Application Number 10/050,248

Filed January 16, 2002

For Low Shrinkage, High Strength Cellular Lightweight Concrete

Group Art Unit 1755

Examiner P.D. Marcantoni

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the  
fee shown above is reduced by half, and the resulting fee is:

\$ 165.00

- ☒ A check in the amount of the fee is enclosed.

- ☐ Payment by credit card. Form PTO-2038 is attached.

- ☐ The Director has already been authorized to charge fees in this application  
to a Deposit Account. I have enclosed a duplicate copy of this sheet.

- ☒ The Director is hereby authorized to charge any fees which may be  
required, or credit any overpayment to Deposit Account No. 08-2442.  
I have enclosed a duplicate copy of this sheet.

- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor
- ☐ assignee of record of the entire interest.  
(See 37 CFR 3.71. Statement under 37  
CFR 3.73(b) is enclosed. (Form PTO/SB/96)

- ☒ attorney or agent of record.

Registration number \_\_\_\_\_

- ☐ attorney or agent acting under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

Martin G. Linihan

Signature

Martin G. Linihan

Typed or printed name

716-848-1367

Telephone Number

May 27, 2004

Date

NOTE: Signatures of all the inventors of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required.

- ☐ Total of \_\_\_\_\_ forms are submitted.

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165.00 OP

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1700  
JFW

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent Fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

<b>Application Number</b>		10/050,248
<b>Filing Date</b>		January 16, 2002
<b>First Named Inventor</b>		Caijun Shi et al.
<b>Examiner Name</b>		P.D. Marcantoni
<b>Group/Art Unit</b>		1755
<b>Attorney Docket Number</b>		33211.0009
<b>TOTAL AMOUNT OF PAYMENT</b>		(\$) <b>165.00</b>

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)							
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None G Deposit Account: Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgeson Russ LLP</u> The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account				<b>3. ADDITIONAL FEES</b>							
				<u>Large Entity</u>		<u>Small Entity</u>					
				Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description			
				1051	130	2051	65	Surcharge - late filing fee or oath			
				1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet			
				1053	130	1053	130	Non-English specification			
				1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination			
<b>1. BASIC FILING FEE</b>				1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action			
<u>Large Entity</u> <u>Small Entity</u>				1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid						
1001	770	2001	385	Utility filing fee	\$	1251	110	2251	55	Extension for reply within first month	\$
1002	340	2002	170	Design filing fee	\$	1252	420	2252	210	Extension for reply within second month	\$
1003	530	2003	265	Plant filing fee	\$	1253	950	2253	475	Extension for reply within third month	\$
1004	770	2004	385	Reissue filing fee	\$	1254	1,480	2254	740	Extension for reply within fourth month	\$
1005	160	2005	80	Provisional filing fee	\$	1255	2,010	2255	1,005	Extension for reply within fifth month	\$
<b>SUBTOTAL (1)</b>					\$0	1401	330	2401	165	Notice of Appeal	\$165
<b>2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE</b>					Fee Paid	1402	330	2402	165	Filing a brief in support of an appeal	\$
Extra Fee from						1403	290	2403	145	Request for oral hearing	\$
Total Claims // -20** = // / x // =					\$	1451	1,510	1451	1,510	Petition to institute a public use proceeding	\$
Independent Claims // - 3** = // / x // =					\$	1452	110	2452	55	Petition to revive - unavoidable	\$
Multiple dependent // / x // =					\$	1453	1,330	2453	665	Petition to revive - unintentional	\$
<u>Large Entity</u> <u>Small Entity</u>						1501	1,330	2501	665	10 advance copies	\$
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		1502	480	2502	240	Utility issue fee (or reissue)	\$
1202	18	2202	9	Claims in excess of 20		1503	640	2503	320	Design issue fee	\$
1201	86	2201	43	Independent claims in excess of 3		1460	130	1460	130	Petitions to the Commissioner	\$
1203	290	2203	145	Multiple dependent claim if not paid		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	\$
1204	86	2204	43	**Reissue independent claims over original patent		1806	180	1806	180	Submission of Information Disclosure Statement	\$
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$
<b>SUBTOTAL (2)</b>					\$0	1809	770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$
<b>SUBMITTED BY:</b>						1810	770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$
Martin G. Linihan Reg. No. 24,926						1801	770	2801	385	Request For Continued Examination (RCE)	\$
<b>SIGNATURE</b> <i>Martin G. Linihan</i>						1802	900	1802	900	Request for Expedited Examination of a design application	\$
DATE: May 27, 2004 Telephone: (716) 848-1367						Other fee (specify) _____ \$					
						<b>*Reduced by basic filing fee paid</b>					
						<b>SUBTOTAL (3)</b>					
						\$165					

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 27, 2004Name Martin G. LinihanSignature *Martin G. Linihan*Date of Signature May 27, 2004

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